

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CHRIS BIGFORD,

Plaintiff,

v.

LAKEWOOD POLICE DEPARTMENT,  
DEPUTY A. MOODY,

Defendants.

CASE NO. C12-6045 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 18), and Plaintiff’s objections to the R&R (Dkt. 19).

On March 29, 2013, Judge Strombom issued the R&R recommending that the Court dismiss Plaintiff’s complaint without prejudice because the underlying criminal charges are still pending in state court. Dkt. 18. On April 16, 2013, Plaintiff objected to the R&R arguing that the underlying charges are unlawful and that adjudication of the charges is being intentionally delayed. Dkt. 19 at 1–2. Even if these allegations are true,

1 proceeding in this Court with a civil rights action requires a final adjudication of those  
2 charges. *See Younger v. Harris*, 401 U.S. 37 (1971).

3 Plaintiff also requests that the Court stay the case instead of dismissing his  
4 complaint without prejudice. Dkt. 19 at 3. Indefinite stays are disfavored, and the Court  
5 declines to stay this case for an indefinite term. Moreover, Plaintiff has failed to show  
6 any prejudice if the Court dismisses his claims without prejudice instead of staying the  
7 case.

8 Therefore, the Court having considered the R&R, Plaintiff's objections, and the  
9 remaining record, does hereby find and order as follows:

- 10 (1) The R&R is **ADOPTED**; and  
11 (2) This action is **DISMISSED without prejudice**.

12 Dated this 9th day of May, 2013.

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15 BENJAMIN H. SETTLE  
16 United States District Judge  
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